
HOUSE BILL 1757

State of Washington

56th Legislature

1999 Regular Session

By Representatives Miloscia, O'Brien, Koster, Lovick, Haigh, Hurst and Radcliff

Read first time 02/04/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to DNA identification; amending RCW 43.43.754;
2 adding a new chapter to Title 70 RCW; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **PART I**
5 **THE DNA IDENTIFICATION SYSTEM**

6 NEW SECTION. **Sec. 101.** The legislature finds it necessary to
7 expand the current pool of convicted offenders who must have a blood
8 sample drawn for purposes of DNA identification analysis. The
9 legislature further finds that there is a high rate of recidivism among
10 certain types of violent and sex offenders and that drawing blood is
11 minimally intrusive. Creating an expanded DNA data bank bears a
12 rational relationship to the public's interest in enabling law
13 enforcement to better identify convicted violent and sex offenders who
14 are involved in unsolved crimes, who escape to reoffend, and who
15 reoffend after release.

16 **Sec. 102.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to
17 read as follows:

1 Every adult or juvenile individual convicted of a felony or
2 adjudicated guilty of an equivalent juvenile offense defined as a sex
3 offense under RCW 9.94A.030(~~((+31+))~~) (33)(a) or a violent offense as
4 defined in RCW 9.94A.030 shall have a blood sample drawn for purposes
5 of DNA identification analysis. For persons convicted of such offenses
6 or adjudicated guilty of an equivalent juvenile offense who are serving
7 or who are to serve a term of confinement in a county jail or detention
8 facility, the county shall be responsible for obtaining blood samples
9 (~~((prior to release from))~~) either as part of the intake process into the
10 county jail or detention facility for those persons convicted on or
11 after the effective date of this act, or within a reasonable time after
12 the effective date of this act for those persons incarcerated prior to
13 the effective date of this act who have not yet had a blood sample
14 drawn, beginning with those persons who will be released the soonest.
15 For persons convicted of such offenses or adjudicated guilty of an
16 equivalent juvenile offense, who are serving or who are to serve a term
17 of confinement in a department of corrections facility or a division of
18 juvenile rehabilitation facility, the facility holding the person shall
19 be responsible for obtaining blood samples (~~((prior to release from))~~)
20 either as part of the intake process into such facility for those
21 persons convicted on or after the effective date of this act, or within
22 a reasonable time after the effective date of this act for those
23 persons incarcerated prior to the effective date of this act who have
24 not yet had a blood sample drawn, beginning with those persons who will
25 be released the soonest. Any blood sample taken pursuant to RCW
26 43.43.752 through 43.43.758 shall be used solely for the purpose of
27 providing DNA or other blood grouping tests for identification analysis
28 and prosecution of a sex offense or a violent offense.

29 This section applies to all adults who are convicted after July 1,
30 1990; and to all adults who were convicted on or prior to July 1, 1990,
31 and who are still incarcerated on or after the effective date of this
32 act. This section applies to all juveniles who are adjudicated guilty
33 after July 1, 1994; and to all juveniles who were adjudicated guilty on
34 or prior to July 1, 1994, and who are still incarcerated on or after
35 the effective date of this act.

36 **PART II**

37 **THE CHILD IDENTIFICATION PROGRAM**

1 NEW SECTION. **Sec. 201.** (1) This chapter shall be known and may be
2 cited as the "child identification program" act of 1999.

3 (2) The legislature finds that the technology of deoxyribonucleic
4 acid, DNA, testing is of great potential benefit to the citizens of
5 this state. Having a child's DNA sample available will enable parents
6 to better assist law enforcement in finding and identifying a child in
7 the unfortunate event of a child's disappearance or abduction, and in
8 identifying children who may be victims in accidents or natural
9 disasters. Obtaining a DNA sample simply requires the placement of a
10 drop of blood on specially treated paper for long-term storage by the
11 parent. It is the intent of the legislature that all health care
12 providers, including hospitals, birthing centers, and physicians,
13 assist parents in obtaining blood samples for safekeeping by the
14 parent.

15 NEW SECTION. **Sec. 202.** (1) Every licensed hospital and every
16 licensed birthing center shall, notify potential parents as part of the
17 admission process for labor and delivery that the hospital or birthing
18 center is a participant in the child identification program and will
19 provide a DNA sample for identification purposes to the parent upon
20 request and upon payment of a fee to be determined by the hospital or
21 birthing center. The fee may not exceed the reasonable cost of
22 obtaining the sample and necessary materials. If the parent elects to
23 participate and pays the fee, the hospital or birthing center shall
24 obtain the DNA sample and provide the sample to the parent for
25 safekeeping. Nothing in this section shall be considered as a health
26 service under the medicaid program, and the fee paid is not subject to
27 the copayment limitations set forth therein. No copy or any record of
28 any DNA samples provided to a parent may be created or maintained by
29 any entity participating in the child identification program.

30 (2) The legislature encourages all physicians who provide primary
31 care to children born before implementation of the child identification
32 program to participate voluntarily and offer the child identification
33 program to their patients. The department of health is encouraged to
34 assist licensed physicians in learning about and participating in the
35 child identification program.

36 NEW SECTION. **Sec. 203.** If any provision of this act or its
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 204.** Part headings used in this act are not any
4 part of the law.

5 NEW SECTION. **Sec. 205.** Sections 201 and 202 of this act
6 constitute a new chapter in Title 70 RCW.

--- **END** ---